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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,390	11/12/2003	William L. Bong	ARC 03.01	6839

7590 03/11/2005

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EXAMINER

TRAN, LEN

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/712,390

Applicant(s)

BONG ET AL

Examiner

Len Tran

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-33,37 and 38 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 34-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-33, and 37-38 rejected under 35 U.S.C. 102(b) as being anticipated by Karimine et al (US 5,175,405).

As to claim 1, Karimine et al disclose a system for butt welding two expansion joint rails with a control system, wherein each expansion joint rail comprise of one gland cavity and having a welding shoe assembly, comprising a one gland shoe (7b, 8b) configure to occupy at least one cavity and a pair of butted shoe (5b) that abut the expansion joint and at least one gland shoe (figure 5).

As to claims 2, 3, 7, 12 and 13, the gland shoes and butted shoes are copper (col. 3, line 40, col. 4, line 15) and water cooled.

As to claims 8 and 14, at least one shoe gland comprise a distal portion that occupies the gland cavity and at least one gland shoe having a flat face that interfaces with one of the butted shoe (figure 5).

As to claims 9 and 24, Karimine et al disclose a system for butt welding, comprising a control system to feed wire, a modular component systems that interfaces with the control system, comprises a weld torch which receives at least one welding wire from the feeder, and a welding shoe (figure 5).

As to claim 10, the welding system is an electroslag welding system.

As to claim 11, at least one gland shoe is configured to occupy at least one gland cavity, and a plurality of butt shoes abut the expansion joint rail and at least one gland shoe.

As to claims 15 and 20, Karimine et al disclose the method of butt welding comprising the steps of defining a weld cavity, with a first face associated with one end of a first expansion joint rail, a second weld face associated with one end of the second expansion joint rail, a plurality of gland shoes, a plurality of butt shoes (figure 5).

As to claims 16-19, 21-23, and 24-26, Karimine et al disclose an electroslag system, wire feeders, flux addition, and power supply.

As to claims 27-33 and 37-38, Karimine et al disclose the method of butt welding comprising the steps of defining a weld cavity, with a first face associated with one end of a first expansion joint rail, a second weld face associated with one end of the second expansion joint rail, a plurality of gland shoes, a plurality of butt shoes (figure 5). Karimine et al disclose an electroslag system, wire feeders, flux addition, and power supply.

*Allowable Subject Matter*

3. Claims 4-6 and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior arts of record fail to teach or suggest each gland is occupy by the bottom and top gland shoes.

*Inquiry*

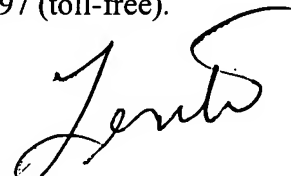
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran  
Examiner  
Art Unit 1725

A handwritten signature in black ink, appearing to read 'Len Tran', is written over the typed name and title.

March 6, 2005